

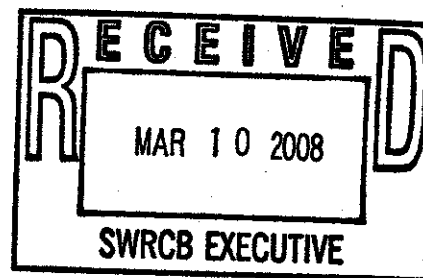


**California  
Water  
Environment  
Association**

7677 Oakport Street, Suite 525,  
Oakland, CA 94621-1935

March 10, 2008

Tam Doduc  
State Water Resources Control Board  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, CA 95812



**SUBJECT: COMMENT LETTER: RECYCLED WATER POLICY—March 18, 2008 Board Meeting**

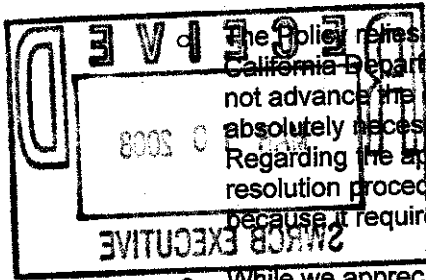
Dear Chair Doduc and Members of the Board:

The California Water Environment Association (CWEA) requests that the State Water Resources Control Board not adopt the draft Recycled Water Policy for California. While we had hoped that the revised Policy would achieve the goal of removing barriers to use of recycled water, and we believe the State Water Board shares our goal of increasing the use of this sustainable water supply, we regrettably find ourselves faced with a draft Policy that does not advance our mutual goals. For this reason, we urge the Board not to adopt the proposed Policy.

CWEA is a statewide non-profit public benefit association of about 8,000 individual members in the wastewater industry who are committed to keeping California's water clean. CWEA protects our water environment and the public's health by training and certifying wastewater professionals, disseminating technical information, and promoting sound policies to benefit society. CWEA is dedicated to the educational development of our members, who range from field level to management level. Most of CWEA's members (approximately 80 percent) work for municipal wastewater agencies and collection systems, both large and small, throughout the state of California.

While we appreciate some of the revisions to the prior draft, such as removal of the requirement to provide financial assurances and the adjustment of the provisions relating to maximum total dissolved solids (TDS), a number of the policy provisions do not advance the goal of increasing the use of recycled water in California. A brief summary of these issues follows:

- The Policy allows Regional Water Boards to establish recycled water limits, based on narrative toxicity objectives, which are more stringent than drinking water standards, without a basis in science.
- The Policy undermines agencies' ability to plan for projects by introducing a level of uncertainty as to what limits might be established and at what level, and what the costs could be.



The Policy relies upon the current MOA process to resolve conflicts between the California Department of Public Health (CDPH) and the Regional Board. This does not advance the cooperation between CDPH and the SWRCB which will be absolutely necessary to reach the State's established goals for recycled water use. Regarding the applicable limits, the Policy relies on the MOA and its conflict resolution procedure which relies on CDPH petitioning. This is not a viable solution because it requires one state agency to be a supplicant.

- While we appreciate the legitimate need for salinity management, we continue to believe that using a recycled water project application as a trigger for the preparation of salinity management plans is ineffective. The salt management plans are to be done in five years with the possibility of a five-year extension if significant progress is made, but there is no framework for determining progress, and our experience shows that it will take more than five years to do the plans.
- The Policy's approach to groundwater monitoring is unclear. One provision seems to imply monitoring is not needed, but other provisions give Regional Boards the authority to require monitoring under certain circumstances. This undermines the cohesive development of the monitoring plans needed to support the salt management plans.
- The Policy establishes a 3 mg/L nitrogen threshold in recycled water for implementation of nutrient management practices. There is no technical information to explain how this standard was arrived at or why it is appropriate to apply this value to recycled water projects and not other irrigation waters.
- The SWRCB Policy presumes that local agencies can control water softeners to limit salts, which is not accurate – there are legal limitations and obstacles for prospective controls and no ability to retrospectively ban residential softeners.
- The anti-degradation language does not adequately address the components of the Anti-degradation Policy, particularly with regard to defining prevention of nuisance and pollution, maximum benefit, and best practical treatment and control (BPTC), and how the Draft Policy insures it will not unreasonably affect beneficial uses.
- The Policy includes numerous references to the Clean Water Act without explaining how the Act is relevant or applicable to recycled water irrigation and recharge.

These issues must be satisfactorily addressed in order for CWEA to support a Recycled Water Policy. Thank you for your consideration of our concerns.

Sincerely,

Maura Bonnarens  
CWEA President